

PRESENT WERE: Supervisor Eaton Councilman Higgins  
Councilman Potter Councilman Hitchcock  
Councilman Wolf Hwy Superintendent Moshier  
Attorney Tuttle Comptroller C. Hemphill  
Town Clerk M. Peck

Also present: R. Pearl-Lamphier, M. Lombardo, G. Dzuroff and townspeople

Salute to the Flag at 7:00 opened the meeting.

**To be heard: Faith Benson, Student:** addressed the board about having a benefit concert at the Old High School gymnasium to raise money for Darfur in South Africa. The date of this benefit is May 19, 2007 at 7PM. The Town will be a co-sponsor of this event by helping provide insurance, advertising, chaperoning, etc..

AUDITED CLAIMS

|         |             |        |             |
|---------|-------------|--------|-------------|
| Gen A   | \$30,877.70 | Hwy DA | \$74,571.39 |
| Gen B   | \$1,530.42  | Hwy DB | \$8,238.11  |
| Sp Dist | \$10,772.46 |        |             |

MONTHLY REPORTS

|                    |                    |
|--------------------|--------------------|
| Town Clerk         | Recreation & Parks |
| Highway Department | Building & Zoning  |

Town Justice D. Porter - report for 3/07 amount to Supervisor \$6105.00.

Town Justice A. Spears - report for 3/07 amount to Supervisor \$8624.50.

#1-MOTION TO APPROVE MINUTES

Motion by Potter to approve the minutes from the March 20, 2007 regular town board meeting as written. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

CORRESPONDENCE

1. Town of Allegany Planning Board notice of decision dated 3/12/07 on preliminary plat approval of Kinley LLC townhouse subdivision.
2. Request from resident, Marcia Karl of Nine Mile Road for action on IA Construction Corp.
3. Letter of infor. From Young, Sommer...LLC regarding windpower and proposed amendments to the Zoning Ordinance. **\*\*\*copy for planning board\*\*\***
4. Floor plan options for highway garage expansion from Kirk Wilson
5. Letter from Steve Ford of Smith Hollow Rd. requesting speed limit signs and children at play signs
6. Letter from Donald G. Black regarding windpower (Everpower). (disc also)
7. Catt. Co. Bus. Development Corp. letter of thanks.
8. Time Warner Cable - letter advising of services
9. NYS Dept. of State - Appalachian Regional Commission Program FY 2008.

10. B,S & K PLLC - Labor & Employment Law Information Memo
11. Letter from Catt. Co. Legislature regarding a visit from Gov. Spitzer's representative at Civil Defense room in Little Valley County Building.
12. NYMIR - annual Meeting Notice
13. Notice of training and listing of NYS OCFS funding (recreation)
14. NYS Assoc. of Towns - Tax incentives for Local Volunteers (survey request)
15. NYS Comptrollers Office - Town Special Districts in New York, Background, trends and issues.
16. STW - Letter of thanks for membership
17. NYMIR - Handbook on Driver inattention in motor vehicle accidents.

**\*\*\*#4- diagram #2 with some modifications is the best plan for the addition. Supervisor Eaton is to get this information back to Kirk Wilson, Town Engineer. Councilman Wolf also suggested including a fire alarm system in this plan..**

#### UNFINISHED BUSINESS

##### #2-MOTION TO INITATE FEE SCHEDULE

Motion by Eaton that the Town of Allegany immediately start charging for use of Senior Center and Recreation Center per the fee schedule provided (attached to minutes). 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

- Water district issue & letters W. Tuttle and H. Sendlakowski \*\* Per Supervisor Eaton, he and Attorney Tuttle have spoken with Attorney Greg Yaw regarding this issue.
- **Primary dog kennel agreement with town of Portville**
- **Review of Dog Ordinance for Town of Allegany**
- **Town & Village dog control agreement \*\*\* these 3 issues are TABLED \*\*\***
- Workers compensation issue review \*\*\* **this is still being worked on \*\*\***
- Shared services agreements \*\*\* **Attorney Tuttle is looking into this \*\*\***

##### #3-MOTION TO THANK VALLEY RECYCLING

Motion by Eaton to send a letter of thanks to Valley Recycling for their generous donation of money to use towards capital improvements for River Park. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#### NEW BUSINESS

- Catt. Co. Office of Emergency Services - NIMS compliance matrix that needs to be filled out and returned by May 15, 2007. \*\*\*

#4-MOTION TO AUTHORIZE SUPERVISOR TO SIGN NYMIR PROXY

Motion by Potter to authorize the supervisor to sign the NYMIR proxy form. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#5-MOTION TO PAY ZONING BOARD MEMBER

Motion by Eaton to pay Don Bigler his Town stipend in 3 payments, 1 in May, 1 in October, and 1 in December of each year due to his employment factors not related to Town business. 2<sup>nd</sup> by Wolf. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#6-MOTION TO AUTHORIZE SUPERVISOR TO SIGN

Motion by Potter to authorize Supervisor to sign the agreement with NYS ORPS Memorandum of Understanding. 2<sup>nd</sup> by Hitchcock. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Local Law adoption for Administration & enforcement of the NYS Uniform Fire Prevention and Bldg. Code. \*\*\*\* **TABLE** \*\*\*\*

#7-MOTION TO APPOINT BUILDING & ZONING CLERK

Motion by Eaton to appoint Joyce Kibler as building and zoning clerk. 2<sup>nd</sup> by Potter. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

#8-MOTION TO AUTHORIZE BAN FOR HIGHWAY EQUIPMENT

Motion by Potter to authorize the Town to take out a B.A.N. for highway equipment in the amount of \$73,000.00 as per budgeted. 2<sup>nd</sup> by Eaton. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye, CARRIED.

COMMITTEE REPORTS

**Councilman Hitchcock:** he has walked through the parks with Mark Lombardo. They have discussed extending the concession stand and putting a net up to catch stray/foul balls at Stayer Park. Mr. Hitchcock has also met with the Assessor and John Brearley regarding the annual reassessment updates. There is much information available to people in the assessor's office.

**Councilman Wolf:** the Buffalo Road is getting very bad. Could the Town write a letter to the County to see if they can repair it at their earliest convenience? (yes, per Supervisor)

**Hwy. Superintendent:** there about 200 of the E-911 signs left to be put up. After those are finished, then they shall go back and correct any mistakes.

FROM THE FLOOR:

**Mayor Lamberson:** the Village is willing to extend the date to raise the water rates for Town users on Village lines as long as the residents and Town Board are working on creating water districts in those areas.

**Jack Capozzi:** (1<sup>st</sup> St. resident) questioned the feasibility of joining a water district. If a water district is created, whose responsibility will it be to maintain it. **Ans:** The Town of Allegany. #2- he got costs back in 1992 to put in a water system, but how much do you think it will cost now? **Ans:** about 1 ½ times what it cost in 1992. Mr. Capozzi spoke with most of the residents on 1<sup>st</sup> Street and they wanted to know the costs involved. A petition needs to be submitted by the users of a district (51%) **Attorney Tuttle** advised that a description of property is also needed along with a petition. Mr. Capozzi is to talk again with residents and may bring in a petition.

**Daniel Lai (Hawthorn Lane Resident):** spoke about Hawthorn Lane and that it needs to be maintained better so as to be comparable to the Four Mile Rd. There are no street lights, no curbs, and his small children have to walk ¼ mile at 6:20am to catch the school bus each day. He is not happy with this situation. The road is very muddy.

#9-MOTION TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL AND LITIGATION

Motion by Eaton to adjourn to executive session to discuss personnel and litigation matters. 2<sup>nd</sup> by Higgins. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Regular session ended at 7:50 PM.

#10-MOTION TO ADJOURN EXECUTIVE SESSION AND REGULAR MEETING

Motion by Potter to adjourn executive session and regular meeting. 2<sup>nd</sup> by Hitchcock. Higgins-aye, Potter-aye, Hitchcock-aye, Wolf-aye, Eaton-aye. CARRIED.

Meeting adjourned at 8:15 pm

Respectfully submitted,

Mary M. Peck  
Town Clerk  
4/18/07